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No. 315

In the Supreme Court of the United States

OCTOBER TERM, 1968

MASON HOFFENBERG, PETITIONER

v.

ABRAHAM L. KAMINSTEIN, REGISTER OF COPYRIGHTS

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

BRIEF FOR THE RESPONDENT IN OPPOSITION

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OPINION BELOW

The district court wrote no opinion. The *per curiam* opinion of the court of appeals has not yet been officially reported, but appears at 157 U.S.P.Q. 358.

JURISDICTION

The judgment of the court of appeals was entered on April 23, 1968. The petition for a writ of certiorari was filed on July 19, 1968. The jurisdiction of this Court is invoked under 28 U.S.C. 1254(1).

QUESTION PRESENTED

Whether Sections 22 and 23 of the Copyright Act (17 U.S.C. 22, 23) provide the exclusive method for securing copyright on an English-language book written by an American author which is first manufactured and published abroad.

STATUTES AND REGULATION INVOLVED

The relevant portions of the Copyright Act (17 U.S.C. 1 *et seq.*) and the pertinent regulation are set out in Appendix A to the petition (pp. A–1 to A–5).

STATEMENT

Petitioner is an American citizen and a co-author of the novel "Candy". The first edition of this novel, which was written in English, was manufactured and published in Paris in 1958. Each copy of this Paris edition included the notice of copyright described by 17 U.S.C. 19, 20. No further steps were taken at that time to obtain copyright protection under the Act.

In 1964, G. P. Putnam's Sons published an American-manufactured edition of "Candy" in the United States. In March 1965, more than six years after the first publication of the Paris edition, petitioner submitted to the Copyright Office an application which sought to register the American edition of "Candy" for copyright.

By letter of March 31, 1965, the Copyright Office refused to register the work for copyright. It gave as the ground for this refusal petitioner's failure to comply with its pertinent regulation—37 C.F.R. 202.4

(b)(1) (Pet. App. A–5)—which, the Office stated, implements the statutory scheme of the Act. That regulation provides in part: "An American edition of an English-language book or periodical identical in substance to that first published abroad will not be registered [for copyright] unless an ad interim registration is first made." Specifically, the Office noted that since "Candy" had been first manufactured and published abroad (and thus did not meet the requirement of 17 U.S.C. 16 that "all copies [to be] accorded protection under" the Act be manufactured in the United States), it could not be registered for copyright in the United States unless petitioner had satisfied the Act's special provisions (17 U.S.C. 22, 23) governing protection of an American copyright during the interim between publication of a foreign-manufactured, English-language work and the later publication of an American-manufactured edition. Since the ad interim provisions had not been complied with (in that petitioner had failed to deposit a copy of the Paris edition with the Register of Copyrights within six months of its publication, as required by 17 U.S.C. 22), the Office refused to register the American edition for copyright.

Thereupon, on May 3, 1965, petitioner filed the complaint in the present action, challenging 37 C.F.R. 202.4(b)(1) as inconsistent with the Act and the Constitution, and seeking to require the Register of Copyrights to register the work for copyright. The

district court, on cross-motions for summary judgment, granted the Register's motion and dismissed the cause.

The court of appeals affirmed the dismissal in a *per curiam* opinion. It held that the regulation in question "is not only not inconsistent with the pertinent sections of the Copyright Code, but in our judgment it accurately reflects the intention of Congress. * * * Even if there were some doubt, we would be required to resolve that doubt in favor of the Register's interpretation. *Udall* v. *Tallman*, 380 U.S. 1, 16 (1965)" (Pet. App. A–8).

ARGUMENT

The decision below correctly interprets the Copyright Act and the pertinent regulation,[1] in the light of the statutory purpose and legislative history, and this interpretation is free of any constitutional infirmity. Moreover, the question presented by this case is not of recurring importance, and, indeed, the rele-

[1] 17 U.S.C. 207 plainly authorizes the Register of Copyrights "to make such rules and regulations for the registration of claims to copyright as provided by this title." 37 C.F.R. 202.4(b)(1) is such a regulation. Nonetheless, petitioner contends that the Copyright Office's view of the statute, as embodied in this regulation, is entitled to no weight, and appears to question the Office's authority to adopt regulations relating to the circumstances under which copyrights are secured (Pet. 24–25). It seems clear, however, that Congress did not intend the Office's authority to be that narrowly circumscribed. See *Bouvé* v. *Twentieth-Century Fox Film Corp.*, 122 F. 2d 51, 53–54 (C.A.D.C.).

vant statutory provisions will likely be materially amended by Congress in the near future. Thus, there is no need for further review.

1. 17 U.S.C. 10 provides the basic method by which books are copyrighted in the United States. It states in part that "[a]ny person entitled thereto by this title may secure copyright for his work by publication thereof with the notice of copyright required by this title * * *."[2] Section 10 is modified by 17 U.S.C. 16, which provides that "the text of all copies [of a book written in English] accorded protection under this title" must be manufactured in the United States. This language requires, in plain terms, that to be accorded copyright protection as a result of publication with notice under Section 10, a book must meet the domestic-manufacture requirement of Section 16. An exception to this requirement is provided by the "ad interim" provisions, 17 U.S.C. 22, 23.[3] Those sections permit, under specified and limited conditions, a book written in English but manufactured and published abroad, to receive interim copyright protection under the Act (for up to five years) until an American-made edition can be published. Section 22 provides:

> In the case of a book or periodical first published abroad in the English language, the de-

[2] The requirements for the form and content of such notices are set out in 17 U.S.C. 19, 20.

[3] Under certain conditions, 17 U.S.C. 9(c) completely exempts foreign works entitled to protection under the Universal Copyright Convention from the manufacturing requirement of Section 16. The exemption is not applicable to works by American authors.

> posit in the Copyright Office, not later than six months after its publication abroad, of one complete copy of the foreign edition, with a request for the reservation of the copyright and a statement of the name and nationality of the author and of the copyright proprietor and of the date of publication of the said book or periodical, shall secure to the author or proprietor an ad interim copyright therein, which shall have all the force and effect given to copyright by this title, and shall endure until the expiration of five years after the date of first publication abroad.

Section 23 provides that if an American edition of a work which has obtained ad interim protection is published in the United States within the period of ad interim protection, and the American edition satisfies the domestic-manufacture requirement of Section 16 and meets the other usual requirements for the obtaining of a copyright, then the ad interim copyright shall be extended to the full term provided by the Act.[4]

Here petitioner concededly failed to meet the requirements for ad interim copyright for "Candy", and the court of appeals, agreeing with respondent, found that "Candy" was therefore not copyrightable. This was so, the court concluded, because the ad interim provisions afford the only method by which an American author can obtain a copyright on a book written in English but first published abroad in a foreign-manufactured edition.

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[4] The full term, pursuant to 17 U.S.C. 24, is 28 years, renewable for an additional 28 years.

Petitioner contended below, however, and renews his contention here, that the ad interim provisions are merely an alternative method for obtaining a copyright for a book such as "Candy", and that first publication of "Candy" with notice of copyright pursuant to Section 10, even though the work was published abroad in a foreign-manufactured edition not satisfying Section 16, was itself sufficient to accord the work full copyright protection (not merely the interim protection of Sections 22 and 23).

This contention is erroneous, in that it both ignores the clear effect which Section 16 has upon Section 10, and leaves the ad interim provisions without any impact at all, transforming them into useless surplusage, a result Congress could hardly have intended. Petitioner ignores the language of Section 16 in maintaining that the Section 10 requirements for obtaining a copyright on a book may be fulfilled by publication with notice anywhere, for Section 16 plainly states that "the text of all copies accorded protection under this title" must be manufactured within the United States. Obviously, the securing of a copyright brought about by publication with notice under Section 10 affords such "protection". Since Section 16 requires that books to be afforded protection be manufactured domestically, it follows that compliance with Section 10 is insufficient to obtain a copyright for a book unless the publication with notice required by that section is carried out in an edition which meets the domestic-manufacture requirement of Section 16.

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Petitioner seeks to escape the plain meaning of this statutory language by a discussion of the evolution of the manufacturing provision into its present form. Petitioner correctly points out that before the enactment of the present Act in 1909, the obtaining of a copyright on a book was conditioned on deposit of two copies of the first edition of the book with the Copyright Office on or before the date of first publication, and that those deposited copies were required to have been manufactured in the United States (26 Stat. 1107). Thus, before the 1909 Act, a copyright could only be obtained if the first edition of the book was domestically manufactured. Petitioner then argues that because the 1909 Act abandoned this method of securing a copyright in favor of the present method of publication with notice as required by Section 10, Congress must no longer have been interested in requiring that the first edition of a work to be copyrighted be manufactured and published in the United States. He concludes that it is sufficient to satisfy Section 10—and a copyright is thereby obtained—if publication with notice occurs anywhere in the world.

However, petitioner has cited no authority to indicate that this 1909 change in the method of securing a copyright was intended by Congress to effect such a dramatic curtailment of the domestic-manufacture requirement. Indeed, the legislative history shows that in dropping the requirement of registration of two copies as a precondition to obtaining a copyright, Congress had nothing more in mind than the soften-

ing of the harsh effect of that portion of the prior law which had conditioned copyright on timely deposit of copies. As stated in H. Rep. No. 2222, 60th Cong., 2d Sess., p. 11: "The failure of a shipping clerk to see that the copies go promptly forward to Washington may destroy a copyright of great value, and many copyrights have been lost because by some accident or mistake this requirement was not complied with. The committee felt that some modification of this drastic provision, under which the delay of a single day might destroy a copyright, might well be made." See *Washingtonian Co.* v. *Pearson,* 306 U.S. 30, 39–42.[5] Nothing in this report, nor in any other history surrounding the Act, indicates that this change in the method of securing a copyright had anything to do with a shift in Congress' attitude toward the purposes to be served by the manufacturing clause.

Thus, petitioner has given no reason for ignoring the plain requirement of Section 16 that, to be accorded copyright protection under Section 10, a book must be manufactured within the United States.[6]

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[5] We recognize that the Court in *Washingtonian*, on which petitioner extensively relies (*e.g.*, Pet. 22), concluded that, under the 1909 Act, it is unnecessary "to deposit anything to secure a copyright of a published work, but only to publish with the notice of copyright" (306 U.S. at 37). But there the book was manufactured and first published in this country. Thus, only Section 10 was involved, and there was no occasion to consider the domestic-manufacture requirement of Section 16 which is involved here. Indeed, the only issue in *Washingtonian* concerned the time within which a work published here could be deposited for registration under Section 13 of the Act.

[6] Petitioner argues at length that Section 16 cannot in all situations be taken literally to mean what it says, for, he states, a literal reading would lead to the conclusion that a work first

2. Another consideration calling for rejection of petitioner's contention is that his reading of the Act in effect leaves Sections 22 and 23 with no meaning. Under the Copyright Office's interpretation, as upheld by the court of appeals, the ad interim provisions are the sole exception to Section 16 in permitting copyright protection for English-language works by American authors first published in an edition not meeting the domestic-manufacture requirement. According to petitioner, however, the explicit requirements for obtaining ad interim protection may be avoided by publishing a foreign-manufactured work abroad with the notice of copyright as required by Section 10. This latter method, which petitioner argues that Congress intended as an alternative to the ad interim provisions, is not only cheaper and less demanding than the ad interim procedure, but would

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published in the United States with copyright notice in an edition meeting the Section 16 requirements (thus being copyrighted under Section 10) would perforce lose such protection if a subsequent edition of the work were manufactured and published abroad (Pet. 13–15). According to petitioner, since such a result would be absurd, Section 16 may not be read literally even in the instant case. Even assuming that petitioner is correct about his hypothetical case, it has no pertinence here. This case is concerned with the requirements of the Act for obtaining a copyright and not with the possibility of losing one once it has properly been obtained. Moreover, the fact that the language of Section 16 may be susceptible of producing an anomalous result in one situation is no reason to ignore the plain meaning of that language where it would, as in the instant case, produce a result which is consistent with the effect of previous statutes, especially where, as here, Congress has not stated that it intended the 1909 Act to alter that result.

result in protection for the full 28-year copyright term, while the ad interim provisions allow only a maximum of five years' protection before a domestically manufactured edition must be printed to qualify for full-term protection.

Petitioner does not suggest, nor can we imagine, why Congress placed Sections 22 and 23 in the Act at all if their strictures may so easily and so profitably be avoided. Rather than explain why the ad interim provisions do not become mere surplusage under his reading of the Act, petitioner makes the flat assertion that the use of the ad interim procedure has "certain advantages and disadvantages" (Pet. 13), without showing what advantages there are which might lead an author to seek ad interim copyright rather than Section 10 copyright. Absent such a showing, petitioner's interpretation deprives the ad interim provisions of any meaningful effect, and fails to satisfy the most familiar canon of statutory construction—that a statute must be construed to give meaning to all of its parts. Thus, Sections 22 and 23 of the Act cannot sensibly be viewed as anything other than the sole method for securing a copyright for an English-language book by an American author first published abroad in a foreign-manufactured edition.

3. Congress not only gave no indication at the time it passed the 1909 Act that it was providing an alternative to the ad interim provisions, but it has twice amended the ad interim provisions, each time on the explicit assumption that Sections 22 and 23 do prescribe the sole method for obtaining a copyright

in an English-language work by an American author whose first publication was in a foreign-manufactured edition.

The first such amendment was in 1919 (41 Stat. 368). This amendment liberalized the ad interim provisions by extending from 30 to 60 days the period after foreign publication during which a copy of the work for which ad interim protection is sought must be sent to the Copyright Office, and by extending the term of ad interim protection from 30 days to four months.[7]

In so making ad interim copyright easier to obtain and more valuable, however, Congress made it clear that it regarded the ad interim provisions as the only way to secure American copyright in a foreign-manufactured, English-language work. The report of the Senate Committee on Patents (adopting the statement of the Register of Copyrights) said in part (S. Rep. No. 326, 66th Cong., 2d Sess., p. 3):

> The purpose of [the changes in the ad interim provisions] * * * is to facilitate compliance with the requirement of our law that a foreign book in the English language must be type set, printed, bound, and republished in the United States in order to secure copyright protection. The bill does not propose any change whatever in the so-called manufacturing requirements of our copyright laws.

[7] In addition, the amendment allowed all foreign-manufactured, English-language works which had been produced or published during the First World War a grace period within which the ad interim registration provisions could be satisfied.

Congress again amended the ad interim provisions in 1949 (63 Stat. 153). This amendment further increased the period following foreign publication during which a copy must be sent to the Copyright Office—from 60 days to six months—and increased the term of ad interim copyright protection from four months to five years.[8] This major revision of these provisions was accompanied, as the 1919 amendments had been, by a clear statement by Congress that it was basing the amendment on the assumption that the ad interim provisions were the exclusive method for obtaining a copyright in an English-language book first manufactured and published abroad. For instance, the report of the Senate Judiciary Committee, in explaining the scope of the amendment, stated in part (S. Rep. No. 375, 81st Cong., 1st Sess., p. 1):

> The present United States law requires all foreign authors and publishers of books and periodicals written in the English language to do two things to obtain copyright in the United States: They must (*a*) register the book or periodical within 60 days of publication abroad and (*b*) manufacture the work within 4 months thereafter. The bill allows 6 months for registration in the United States Copyright Office and 5 years within which to manufacture in the United States. * * *

[8] The 1949 amendment also permitted importation into the United States of 1500 copies of the foreign edition of certain works in order to allow the author to test the American market for his work (see S. Rep. No. 375, 81st Cong., 1st Sess.).

Moreover, the legislative history demonstrates that the 1949 amendment was more than a further liberalization of the ad interim provisions; it was a balance struck by a Congress which had considered the conflicting interests of various groups in the continued vitality of the manufacturing provisions in the light of changing conditions.[9] The Senate committee noted that in 1948 "* * * over 14,000 books * * * [had been] published in England and yet only 139 books written in the English language in England and in all other foreign countries were registered in the United States Copyright Office" (S. Rep. No. 375, *supra*, p. 2). The House Judiciary Committee noted that the State Department had expressed the view "* * * that there were grave threats of retaliation by England and other foreign countries against the United States because of the existence of the requirement, in

[9] The House report states in part: "[F]or the purpose of indicating the wide support enjoyed by the bill in the publishing industry, organized labor, and in copyright-law circles, it is noted that its theory has been endorsed by the following groups and individuals, although some qualified their endorsement by suggested changes, some of which have been made by committee amendments: International Allied Printing Trade Council (AFL); American Book Publishers' Council, Inc., which includes the publishers of approximately 85 percent of all the trade books published in the United States today; the Register of Copyrights; the Authors' League of America; American Society of Composers, Authors, and Publishers; American Textbook Institute; Association of the Bar of the City of New York; and the National Association of Magazine Publishers. The committee was advised that this is the first time in 40 years that all parties interested in the subject have been able to reach an agreement on the general theory of the bill" (H. Rep. No. 238, 81st Cong., 1st Sess., p. 6).

order to secure United States copyright, that a work first published abroad in the English language be published in the United States" (H. Rep. No. 238, 81st Cong., 1st Sess., p. 3). Indeed, the State Department recommended that the domestic-manufacture requirement be eliminated entirely.[10]

However, the response of Congress was to reject this suggestion and leave the manufacturing requirement of Section 16 untouched,[11] but to liberalize substantially the ad interim provisions. In reaching this accommodation of the interests favoring retention of the manufacturing provisions with those favoring their abolition, Congress clearly relied on its assumption that Section 16 and the ad interim provisions mean that an American copyright could not be secured for a foreign-manufactured, English-language work unless the ad interim provisions were complied with.

The above-described congressional interpretation of the statutory scheme is more than probative evidence

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[10] See letter to the Senate committee, appended to S. Rep. No. 375, *supra*, pp. 5–7.

[11] Except for the amendment permitting import of 1500 copies of certain works protected by ad interim copyright (see note 8, *supra*).

of the meaning of the 1909 Act; it is "part of the arch on which the new structure" of the 1949 amendments rests, which this Court should refrain from disturbing "lest * * * [it] change the design that Congress fashioned." *State Board of Insurance* v. *Todd Shipyards,* 370 U.S. 451, 458. See *Mastro Plastics Corp.* v. *National Labor Relations Board,* 350 U.S. 270, 288–289.

Petitioner argues, however, that this subsequent history is unpersuasive because it is "nothing more than what individual Congressmen think" and because the amendments do not bear upon the present case (Pet. 22–24). These arguments are less than persuasive, for, as we have shown, the interpretation of the 1909 Act was stated by Congress in the reports of the committees charged with handling the legislation. Furthermore, the interpretation of the manufacturing and ad interim provisions was expressly considered by Congress in assessing the need for amendatory legislation and, perhaps more importantly, in tailoring the amendments to obtain specific results.[12] Thus, even if there were doubt as to the intention of Congress in passing the 1909 Act, that doubt was resolved

[12] Compare *United States* v. *Wise,* 370 U.S. 405, 411, upon which petitioner places primary reliance (Pet. 23–24). There this Court said: "The interpretation placed upon an existing statute by a subsequent group of Congressmen who are promoting legislation and who are unsuccessful has no persuasive significance here." In contrast, the situation here involves the opinions expressed in the committee reports accompanying successful amendment of the statute; as we have shown, these opinions serve as the foundation upon which the amendments rest.

in favor of the Copyright Office's position by later Congresses.[13]

4. Petitioner and the Authors League of America, Inc., as *amicus curiae,* also urge that the Act, as interpreted by the court of appeals, produces discriminatory treatment between American and foreign authors, and between American authors who publish domestically and those who publish abroad. It is contended that such discrimination violates the due process clause of the Fifth Amendment to the Constitution.

Congress, under its exclusive power to "* * * [secure] for limited Times to Authors * * * the exclusive Right to their respective Writings * * *" (U.S. Const., Art. I, Sec. 8), has chosen to make copyrights available only on condition that books be manufactured in the United States. Section 16 of the

[13] Petitioner alternatively argues that, even if his view of Sections 10 and 16 is rejected, so that he is not regarded as having secured a copyright by publication abroad in 1958, he nonetheless should be held to have secured a copyright on "Candy" by publication in this country in 1964 (Pet. 15, 24). In this regard petitioner places reliance on *United Dictionary Co.* v. *Merriam Co.*, 208 U.S. 260. That case, however, is inapposite, for there an American copyright had been obtained, and the precise question was whether notice thereof in books published abroad and sold only for use there was required to protect the American copyright (see 208 U.S. at 266). No such issue is raised here, for petitioner took no steps, beyond publishing abroad with notice, to obtain an American copyright in 1958. Nor is *Heim* v. *Universal Pictures Co.*, 154 F. 2d 480 (C.A. 2) in point. That case involved a musical composition first published abroad by a foreign author, so that Section 16 had no application. Moreover, petitioner's contention in this respect, like his principal argument, would render Sections 22 and 23 nugatory.

Act, by protecting domestic publishers and manufacturers from foreign competition, serves to ensure the continued health of the American publishing industry as a market for American authors. Consequently, the distinction drawn by Congress between the requirements for copyright of books manufactured domestically and those manufactured abroad is one reasonably related to Congress' constitutional authority.[14]

Petitioner and the *amicus* argue, however, that the purposes of the domestic-manufacture requirement are not relevant when, as in the instant case, the author did not initially seek an American market for his work. They claim that when an author seeks only a foreign market, his resort to a foreign-manufactured edition does not impose a threat to American publishers. Petitioner and the *amicus* fail to note, however, that in requiring American authors writing for foreign markets to manufacture their books within the United States (or, under the ad interim provisions, to manu-

[14] In enacting copyright legislation Congress can "attach what conditions it [sees] fit to its grant" (*United Dictionary Co.* v. *Merriam Co.*, 208 U.S. 260, 264). Moreover, Congress has the authority, under its power "[t]o regulate Commerce with foreign Nations" (U.S. Const., Art. I, Sec. 8), to enact measures designed to protect and foster American business interests, and the instant legislation may be sustained on that ground as well. See *Legal Tender Cases*, 12 Wall. 457, 534. Indeed, petitioner makes explicit reference to "the protectionist purpose of the manufacturing clause" (Pet. 14). His suggestion that "American printers do not gain but rather stand to lose" by the Office's view of the statutory provisions here involved (Pet. 20) seems premised on the assumption—quite incorrect, we submit—that most American authors first publishing abroad would fail, as did petitioner, to comply with the ad interim provisions (see Pet. 26).

facture a domestic edition within five years of the first foreign publication), Section 16 does satisfy the congressional design of supporting domestic printers and publishers at the expense of their foreign counterparts.[15]

Petitioner and the *amicus* further argue that the congressional implementation of the Universal Copyright Convention [16] relieves most foreign authors of the necessity of complying with Sections 22 and 23, thereby discriminating against American authors writing for foreign markets by leaving them as the only group which must comply with those provisions. However, the distinction drawn between American and foreign authors in this connection is a valid one, for the benefits given by the treaty to writers of foreign countries have been given in return for the grant by those countries to American authors of the protection of their copyright laws. See 17 U.S.C. 9(b). This *quid pro quo* is sufficient justification, if one is needed, for treating foreign authors differently from American authors.[17]

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[15] The *amicus* notes that plays and musical compositions are treated differently under the Act than books. However, Congress could properly determine that the domestic-manufacture requirement was necessary for books, but not other works. In point of fact, that requirement did at one time apply to such works, but was later changed so as not to include them.

[16] The provisions of that treaty are reprinted following 17 U.S.C. 9.

[17] Petitioner and the *amicus* also suggest that the Office's interpretation of the Act results in an impairment of free expression inconsistent with the First Amendment (*e.g.*, Pet. 27). What form this alleged impairment takes is not, however, spelled out. Nothing in the Office's view of the pertinent statutory provisions chills an author's incentive to write, or is

5. Whatever general importance the question presented in the instant case might otherwise have [18] is significantly diminished by the fact that Congress is at present actively considering the problem involved. H.R. 2512, 90th Cong., 1st Sess., which passed the House of Representatives on April 11, 1967 (113 Cong. Rec. (daily ed.) H3888), and is currently before the Senate, would amend Title 17 of the United States Code in its entirety. Section 601 of this proposed revision substantially alters the manufacturing provisions of the present Act and removes the ad interim provisions with which this case is concerned. The House Judiciary Committee, in favorably reporting the bill, stated: "Subsection (d) of section 601 makes clear that compliance with the manufacturing requirements no longer constitutes a condition of copyright protection, and that the effects of noncompliance are limited to rights with respect to reproduction and distribution of copies. The bill does away with the special 'ad interim' time limits and registration requirements of the present law * * *" (H. Rep. No. 83, 90th Cong., 1st Sess., p. 137). In view of the likelihood that the question presented by this case will shortly be answered by Congress itself, it is not one of recurring importance and the decision below is unlikely to be of continuing significance.

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calculated to undermine his expected rewards from the publication of his works. All that the Act requires is that, where an American author desires to publish a book abroad in the first instance, he follow certain prescribed steps to obtain copyright protection therefor in this country.

[18] So far as we can determine, this is the only case which has ever raised the question presented. Indeed, petitioner refers to the issue as one "almost totally unexplored by the courts" (Pet. 5).

CONCLUSION

For the foregoing reasons, the petition for a writ of certiorari should be denied.

Respectfully submitted.

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U.S. GOVERNMENT PRINTING OFFICE: 1968